IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 525 OF 2005
IN
APPEAL FROM ORDER NO. 470 OF 2005

Maharashtra State Volleball Association .. Applicant

Vs.

1. Volleyball Federation of India and ors. .. Respondents

Mr. V.S. Kapse for the applicant.
Ms. Jyoti Chavan for Respondent Nos.1,2,4,5 & 8.
Mr. S.M. Sabrad for Respondent No.3.

CORAM: B.H. MARLAPALLE, J.

Date : October 19, 2005.

P.C.:

1. Heard Mr. Kapse the learned counsel for the applicant-Association who filed A.O. No.470 of 2005 and the same appeal has been admitted by this court on 12/4/2005. By this application the Association has prayed for an injunction restraining the respondents from implementation, execution and operation of the impugned order dated 21/9/2004.

2. By the order dated 21/9/2004 the defendant

no.1 appointed an ad-hoc committee with immediate effect, consisting of seven members, to manage the affairs of the applicant-Association. By the said order the defendant no.1 has taken note of various complaints alleging irregularity in the elections held on 13/8/2004 at Nashik and more particularly the following complaints:-

(a) Majority of the District Associations did not attend, since few genuine members were not allowed to attend.

(b) Three Districts, namely, Dhule, Satara and Bhandara were suspended without serving proper registered notice and were not given an opportunity to explain their position in the General Assembly.

(c) 23 District associations confirmed that the elections were not held properly.

(d) Election of Pune District Volleyball

Association was not held on 4.7.2004 as per the guidelines of the Federation.

3. While the legality of this order dated 21/9/2004 will be examined in the pending appeal, the reply filed by the defendant no.1 clearly states that fresh elections of the Managing Committee of the plaintiff were held on 17/4/2005 and new Executive Committee was unanimously elected. It is further pointed out that out of 35 members of the plaintiff-Association, 24 affiliated members were present on 17/4/2005 and they elected the new Executive Committee unanimously. On the face of these developments the relief prayed for in this application has become infructuous and whether the body elected on 13/8/2004 or the body elected on 17/4/2005 would be the legally elected body will have to be considered in the pending appeal.

4. Hence the application is disposed as infructuous.

(B.H. Marlapalle,J.)